

REMARKS

Claims 5 to 8 are now pending in the present application. Applicants respectfully request reconsideration of the present application in view of this response.

Priority Claim

Applicants thank the Examiner for acknowledging Applicants' claim to priority under 35 U.S.C. § 119.

35 U.S.C. § 102(b) – Bencheck reference

Claim 1 was rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,072,777 to Bencheck et al. ("Bencheck reference").

The Bencheck reference purportedly concerns a system and method for determining a root cause of error activity in a network, the root cause analysis operating on problem alert signals (PASs) generated by monitoring points in the network such as a threshold crossing alert PAS. Col. 3, lines 11-18. According to the Bencheck reference, a threshold crossing alert is generated when a monitored performance parameter exceeds a predefined threshold. The root analysis may also operate on reported error activity by using statistical analysis to identify facility operating conditions that could lead to a significant network problem.

Claim 1 of the present invention was canceled in Applicants' earlier submission. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Moreover, the remaining claims 5 to 8 are not disclosed identically (as is required for anticipation) in the Bencheck reference. Claim 5, in contrast, is directed to a device for controlling a telecommunications system between a plurality of networks, requiring at least the features of at least one network management device; at least one service management device; and at least one domain manager; wherein the at least one domain manager has access to a selected network management device; wherein the at least one service management device is selected, and the at least one domain manager is linkable to the selected at least one service management device; and wherein the at least one network management device is assigned to each network of the plurality of networks and the at least one network management device being controllable by the at least one service management device. The Bencheck reference does not identically disclose at least the features of the at least one network management device being controllable by the at least one service management device and at least one domain manager is linkable to the selected at least one service management

device. Accordingly, Applicants respectfully submit that the Bencheck reference does not identically disclose each of the features claimed in the manner claimed, as in claims 5 to 8.

To reject a claim under 35 U.S.C. § 102(b), the Office must demonstrate that each and every claim feature is **identically described or contained** in a single prior art reference. (See *Scripps Clinic & Research Foundation v. Genentech, Inc.*, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991)).

Accordingly, Applicants respectfully submit that claims 5 to 8 are allowable over the Bencheck reference.

35 U.S.C. § 103(a) – Bencheck and Dahod references

Claims 6 to 8 were rejected under 35 U.S.C. § 103(a) over the Bencheck reference in view of U.S. Patent No. 5,682,383 to Dahod et al. (“Dahod reference”).

As discussed above, claims 5 to 8 are not disclosed by the Bencheck reference and are thus allowable over the Bencheck reference.

The Bencheck reference in combination with the Dahod reference, if such combination were proper (as it is respectfully submitted that it is not), does not disclose or suggest each of the features claimed in claims 6 to 8.

The Dahod reference does not cure the deficiencies of the Bencheck reference. The Dahod reference refers to an arrangement for interconnecting groups of users into collision domains in a Local Area Network such as an Ethernet involving a plurality of repeater groups, with each repeater group being connected to a group of user stations. Abstract, lines 1-4. The Dahod reference further refers to the arrangement involving an electronically reconfigurable switch matrix, the switch matrix having a plurality of segment lines (or other transmission media), each of which is used to form one collision domain or Ethernet segment. Abstract, lines 5-9.

In contrast, claims 6 to 8 require at least the features of a device for controlling a telecommunications system between a plurality of networks, requiring at least the features of at least one network management device; at least one service management device; and at least one domain manager; wherein the at least one domain manager has access to a selected network management device; wherein the at least one service management device is selected, and the at least one domain manager is linkable to the selected at least one service management device; and wherein the at least one network management device is assigned to each network of the plurality of networks and the at least one network management device

being controllable by the at least one service management device; and, a controllable matrix of the sort claimed in each of claims 6 to 8. The Dahod reference, in combination with the Bencheck reference does not disclose all of the requirements of the claims, including at least the features of the at least one network management device being controllable by the at least one service management device and at least one domain manager is linkable to the selected at least one service management device in combination with a controllable matrix (as in the claims). Accordingly, Applicants respectfully submit that claims 6 to 8 are allowable, and respectfully request withdrawal of the rejection under 35 U.S.C. § 103(a) of those claims.

In summary, it is respectfully submitted that all of claims 5 to 8 of the present application are allowable for the foregoing reasons.

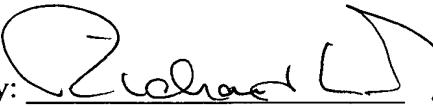
CONCLUSION

In view of all of the above, it is believed that rejections of the claims have been overcome. Accordingly, it is respectfully submitted that all claims 5 to 8 are allowable. It is therefore respectfully requested that the rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

If it would further allowance of the present application, the Examiner is invited to contact the undersigned at the contact information given below.

Dated: January 11, 2005

Respectfully submitted,

By: 
Richard L. Mayer
(Reg. No. 22,490)


Reg. No. 22,490

CUSTOMER NO. 26646

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200 (telephone)
(212) 425-5288 (facsimile)